THE HON'BLE SRI JUSTICE GODA RAGHURAM

W.P.No. 24520 of 2006

24-11-2006

Between:-

Shaik Mahboob Ali and three others.

Petitioners

And

The Mandal Revenue Officer,
Rajendra Nagar Mandal,
Ranga Reddy district and another.

Respondents

THE HON'BLE SRI JUSTICE GODA RAGHURAM

W.P.No. 24520 of 2006

Oral order:

The singular grievance of the petitioners is that the second respondent had entered into the petitioners' land in an extent of Ac.13-34 gts., in survey No. 258 and an extent of Ac.08-19 gts., in survey No.260 of Puppalaguda village, Rajendra Nagar Mandal, Ranga Reddy district without issuing any notice or initiating any proceedings or even passing any formal order and proceeded to demolish the cattle shed and threatened to remove the barbed wire fencing. The date on which the second respondent is stated to have indulged in the aforesaid conduct is not specified, except by stating 'recently'. Be that as it may, in respect of such alleged wholly unauthorized and unlawful conduct by a public servant, the petitioners have plurality of remedies. The petitioners could individually or collectively exercise right of private defence and resist such unlawful criminal trespass by the second respondent. The petitioners could also lodge a complaint to the concerned police station complaining of commission of a cognizable offence by the second respondent. On such a complaint being made, the police are bound to register the complaint; and if *prima facie* material is forthcoming during the course of investigation, the police are obligated to employ the full and coercive force of the Republic of India to restrain the second respondent from unlawful

interference with a citizen's property.

The petitioners have yet a different remedy viz., approaching the civil court of competent jurisdiction seeking an injunctive relief against the respondents and if emergent orders are required, seek dispensing with the notice requirement under Section 80 of the Code of Civil Procedure. In the context of availability of plurality of remedies, this court is not inclined to grant any relief under Article 226 of the Constitution of India. The petitioner is at liberty to pursue appropriate remedies.

Accordingly, the writ petition is disposed of. No costs.

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GODA RAGHURAM, J

Dated: 24-11-2006
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